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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: José P. Arencibia : Art Unit:
Serial No.: 09/548,511 : Examiner:
Filed: April 13, 2000 :
For: TEMPERATURE CONTROLLED :
REACTION VESSEL

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GROUP 1700

RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. 121

Assistant Commissioner for Patents
Washington, DC 20231

SIR:

Applicant respectfully traverses the Restriction Requirement dated April 7, 2003, in the above-identified application.

Applicant respectfully submits that the invention is claimed in a fashion with a genus defined in claims 1-5 as the reaction vessel with all necessary parts, which the Examiner has indicated to be the claims of Group I. The apparatus (reaction vessel) of claims 1-5 is claimed as used in an isothermally cooling mode (claims 6-13), the reaction vessel including means to supply saturated or superheated gas into the helical channel coil disposed around the reaction vessel (claims 14-15), and the method of using the apparatus of claims 1-5 in a temperature controlling mode claims (16-20).

It is respectfully submitted that in its generic form the invention contains a reaction vessel, an isothermal mixing baffle disposed within the reaction vessel, a phase separator in fluid communication with the baffle, a temperature controlling helical channel coil fixed to the outer surface of the reaction vessel and means to combine vapor from the phase separator and vapor from the mixing baffle to be introduced as vapor into the helical channel coil.

Depending upon the connection between the phase separator and the isothermal mixing baffle the reactor can be used either to heat or cool the contents inside the reaction vessel.

The shape of the outside wall of the reaction vessel can either be cylindrical or conical depending upon the use to which the reactor is placed. The mere change in shape of the wall of the reaction vessel without changing any of the other required elements would, in the opinion of applicant, not define a patentably distinct invention but an alternate embodiment of the basic invention.

It is well settled that the mere differences between classifications does not give rise to sustaining a restriction requirement.

The Examiner has also alleged that there are patentably distinct species. Applicants respectfully traverses this assertion. For the reasons set forth above the mere change in the shape of the wall of the reaction vessel or the positioning of the isothermal mixing baffle does not give rise to a patentably distinct invention. The basic invention is the combination of the reaction vessel, the isothermal mixing baffle, the phase separator, the temperature controlling helical channel coil and means to introduce vapor into the helical channel coil. Therefore, it is respectfully submitted that there are no species 1-3.

The Examiner has called out the various embodiments of the isothermal heating baffle as species of the invention. These are merely sub-assemblies and sub combinations that can be used with the invention as defined in claims 1-5.

As set out above, the present invention is a combination of a reaction vessel, an isothermal mixing baffle, a phase separator, a temperature controlling helical channel coil fixed to the outer surface of the reaction vessel and means to combine vapor from the phase separator and vapor from the isothermal mixing baffle, which is introduced into the helical channel coil.

Applicant has chosen to claim various sub features of the present invention as stand alone items which have unique features, neither disclosed nor suggested in the prior art.

In view of the foregoing it is respectfully submitted that the restriction requirement is not well taken and should be withdrawn.

In order to comply with the requirements set forth in the restriction requirement, applicants elect to prosecute claims 1-5 identified as the claims of Group I.

For the reasons set forth above applicant believes that the species identified as 1, 2 and 3 are but a single invention and the mere placement of the isothermal mixing baffles and the shape of the outer wall of the reaction vessel do not define separate inventions.

However, in order to comply with the requirement of the Examiner applicant elects to prosecute the species identified as number 1, species identified as number 4 and species identified as number 9.

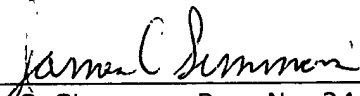
Applicant respectfully submits that claims 1-5 are readable on species 1 through 10. Therefore, it is respectfully submitted that the multiple restriction and the parceling of applicants invention is not well taken and should be withdrawn.

Applicant invites the Examiner to discuss the restriction requirement and his response thereto with the undersigned representative.

In view of the foregoing arguments it is respectfully submitted it is not well taken and should be withdrawn.

However, applicant has made the necessary elections to move the application forward toward a consideration on the merits.

Respectfully Submitted,



James C. Simmons, Reg. No. 24,842
Attorney for Applicant
(610) 530-8100

JCS/mc

Dated: April 28, 2003

P.O. Box 980
Valley Forge, PA 19482-0980
(610) 407-0700

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28 April 2003

